

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

PETER J. BIBBY

v.

C.A. No. 07-463 S

DAVID PETRUCCI, ET AL.

MEMORANDUM AND ORDER

Jacob Hagopian, Senior United States Magistrate Judge.

Presently before the court are two motions by *pro se* plaintiff, Peter J. Bibby: (i) a motion to compel discovery, presumably pursuant to Rule 37 of the Federal Rules of Civil Procedure (the "Federal Rules") (Docket # 28), and (ii) a motion for an order requesting a discovery conference under Rule 26(f) of the Federal Rules (Docket #27). As set forth below, both motions are DENIED.

**I. MOTION TO COMPEL DISCOVERY**

Plaintiff seeks to compel defendant Providence Police Department to provide contact information for defendant David Petrucci, a former police officer, so plaintiff can serve process on defendant Petrucci. Plaintiff states that he mailed a request for such information to the Department of Human Resources of the Providence Police Department and that he directed the United States Marshal to call the Providence Police Department and obtain

defendant's whereabouts. See Docket # 27. However, these efforts do not constitute methods of discovery recognized by the Federal Rules. Plaintiff must attempt to obtain the information via means set forth in Rule 26(a)(5) of the Federal Rule, and if plaintiff submits interrogatories, he must do so in accordance with Rule 33 of the Federal Rules. Plaintiff is directed to attempt to secure the disclosure without court order. Accordingly, plaintiff's motion to compel discovery is DENIED.

## **II. MOTION FOR ORDER FOR DISCOVERY CONFERENCE**

Additionally, plaintiff's motion for an order for a discovery conference is premature. The Court will schedule a pretrial conference after all defendants have answered in this action. Accordingly, plaintiff's motion for an order requesting a discovery conference is DENIED.

IT IS SO ORDERED

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Jacob Hagopian  
Senior United States Magistrate Judge  
June 10, 2008